

July 14, 2011

The Honorable William C. Griesbach
United States District Court Judge
Eastern District of Wisconsin
Green Bay Division
Jefferson Court Building
125 S. Jefferson St., Room 102
Green Bay, WI 54301-4541

Re: *U.S., et al. v. NCR Corporation, et al.*
Civil Action No. 10-CV-910-WCG

Dear Judge Griesbach:

On behalf of the Neenah Menasha Sewerage Commission and Certain Defendants,¹ this letter is to request that the Court conduct a Preliminary Pretrial Conference pursuant to Rules 1 and 16, Fed.R.Civ.P. and Civil L.R. 16(a), together with the Court's inherent case management authority for the purpose set forth in Rule 16(c)(2)(H) and (I), Fed.R.Civ.P., and Civil L.R. 16 (d) to determine whether this case is appropriate for ADR including reference of this case and the related case of *Appleton Papers, Inc. v. George A. Whiting Paper Company, et. al.*, Civil Action No. 08-CV-00016-WCG (Whiting) to a U.S. Magistrate Judge for mediation. This requested Preliminary Pretrial Conference could be conducted in conjunction with the conference requested by parties in the *Whiting* case by letter to the Court on July 11, 2011 by Attorney Mary Rose Alexander, *Whiting* Dkt. 1140.

We believe that this is an opportune time for the parties to address whether settlement is possible. Based on this Court's December 16, 2009 and February 28, 2011 decisions in *Whiting* and the Court's July 5, 2011 decision in the *U.S.* case and the extensive briefing in both the *U.S.* and *Whiting* cases, we would like the Court to require the parties re-evaluate the potential strengths and weaknesses of their positions in both fact and law in an alternative dispute forum.

We think that now is an opportune time to attempt settlement before the parties engage in additional extensive and expensive discovery, motion practice, trial preparation, and trial.

¹ The following defendants join in this letter: Glatfelter Company; Menasha Corporation; CBC Coating, Inc; WTM I Company; U.S. Paper Mills Corporation; and City of Appleton.

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Thank you for your consideration of this request.

Davis & Kuelthau, s.c.

/s/ William J. Mulligan
William J. Mulligan

WJM:llm

cc: Counsel of Record